

REMARKS

In the Office Action, the Examiner rejected pending claims 1-29. By the present Response, the specification is amended to correct the spelling of "even" to "event." Claims 1-29 remain pending in the present patent application. Reconsideration and allowance of all pending claims are requested.

Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-29 under 35 U.S.C. § 102(e) as being anticipated by Carlton et al. (U.S. Patent No. 6,061,717), hereinafter referred to as Carlton. Claims 1, 11, 20, and 24 are independent. Applicants respectfully traverse this rejection.

Legal Precedent

A *prima facie* case of anticipation under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). Moreover, during patent examination, the pending claims must be given an interpretation that is reasonable and consistent with the specification and with the interpretation that those skilled in the art would reach. *See In re Cortright*, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); *In re Morris*, 127 F.3d 1048, 1054-55, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); *In re Prater*, 415 F.2d 1393, 1404-05, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969); M.P.E.P. §§ 608.01(o) and 2111. As further explained in Section 2111.01 of the M.P.E.P., the words of the claim must be given their plain meaning unless the applicant has provided a clear definition in the specification. *See In re Zletz*, 893 F.2d 319, 321, 13 U.S.P.Q.2d 1320, 1322 (Fed. Cir. 1989); *In re Sneed*, 710 F.2d 1544, 218 U.S.P.Q. 385 (Fed. Cir. 1983).

Independent Claims

Independent claim 1 recites, *inter alia*, “transmitting data corresponding to the logical block [of the screen display] . . . and caching display data for at least the logical block.” Similarly, independent claims 11 and 20 recite, *inter alia*, “designating a portion of the screen at the controlled computer based upon the input event data and . . . caching the portion of the screen.” Lastly, independent claim 24 recites, *inter alia*, “a controlling computer receiving screen data” and “a cache memory . . . configured to cache portions of the interface screen identified by the controlled computer based upon input events.”

In stark contrast, the Carlton reference is absolutely devoid of the caching of screen data. While the Carlton reference may disclose the transfer between computers of graphical display interface (GDI) calls related to selected windows, the reference simply does not disclose the caching of display or screen data, as claimed. Instead, the Carlton reference is directed to the shared use and viewing of an application program that may be employed in a telephone conference or meeting where participants are situated at different locations. Col. 1, lines 20-44; col. 2, line 41 – col. 3, line 9; col. 3, lines 15-53; Fig. 1. Therefore, the Carlton system updates display information by capturing, transferring, and implementing GDI calls generated by the shared program, and does not designate or cache actual screen or display data. *See* col. 2, lines 41-57; col. 8, lines 15-48; col. 10, lines 16-55. After all, the Carlton system relies on the transfer of GDI calls, and not actual screen data, to reduce the amount of data transferred. *See id.* And clearly, the GDI calls are recaptured each time they are transferred from one computer to another computer, conflicting with the approach of caching such information. *See, e.g.*, col. 2, lines 41-57; col. 8, lines 15-48; col. 10, lines 16-55. Plainly, in sum, it would not make sense to cache the display data because the Carlton relies on the fully recaptured GDI calls, which may be stored in conventional memory, to update the screen displays. *See id.*

Accordingly, for these reasons, the Carlton reference cannot anticipate the independent claims 1, 11, 20, and 24, or the claims dependent thereon. Therefore, Applicants respectfully request withdrawal of the rejections of claims 1-29 under 35 U.S.C. § 102(e) and allowance of claims 1-29.

Dependent Claims

The Examiner must address the specific elements of each and every claim in the present application. *See* 37 C.F.R. § 1.104; M.P.E.P. § 707.07. Here, the Examiner failed to address the subject matter of the dependent claims. Therefore, the rejection under 35 U.S.C. § 102(e) is improper. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 102(e) for this reason as well.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1-29 under 35 U.S.C. 103(a) as being unpatentable over Mairs et al. (U.S. Patent No. 6,216,177), hereinafter referred to as Mairs, in view of the Carlton reference. Applicants respectfully traverse this rejection.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the modification. *See ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). The mere fact that a reference can be modified does not render the resultant modification obvious unless the prior art also suggests the desirability of the modification. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d. 1430 (Fed. Cir. 1990). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the modified reference includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention

to have been obvious in light of the teachings of the reference. *See Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). The Examiner must provide objective evidence, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to modify the cited reference. *In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). Furthermore, when a prior art reference requires a selected modification to render obvious a subsequent invention, there must be some reason for the modification other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the modification. *See Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988).

Independent Claims

All independent claims recite, *inter alia*, a “controlling computer” and a “controlled computer.” Further, independent claims 1, 11, and 20 recite, *inter alia*, “transmitting input event data [from a controlling computer] . . . to the controlled computer.” In sharp contrast, the Mairs reference is directed to the shared use of a given application program between two computers, with inputs at the computers processed by a “shared system.” *See, e.g.*, col. 1, lines 11-14 and 25-27; col. 2, lines 14-19; col. 4, lines 40-59. Indeed, the Mairs reference is notably absent of a typical scheme where one computer controls another computer. *See, e.g.*, col. 1, lines 26-43 (discussing issues of shared editing or the shared use of an application program).

In an effort to cure these deficiencies of the Mairs reference, the Examiner relied on the Carleton reference to teach “input event transmission and interpretation provided in the conferencing system provided by Carleton.” Office Action Mailed November 19, 2004, page 6. However, while Applicants traverse the notion that the cited combination teaches all of the elements recited in the present independent claims, Applicants also stress that there is no motivation or suggestion to modify or combine the references in the manner asserted by the Examiner or in the manner recited in the claims. There is simply no motivation to modify the shared-application approach of Mairs with the Carleton approach of manipulating user inputs.

After all, such an approach, if incorporated in Mairs, would bypass the Mairs “share system” and fundamentally change the purpose and principle of operation of the Mairs process. *See, e.g.*, col. 2, lines 30-33 (explaining that “the Share system provides a method for transmitting pixel data from a first computer to a second computer.”). Thus, the Examiner’s combination of the Mairs and Carleton references, and the Examiner’s proposed modification of the Mairs system, are improper.

Similarly, and as discussed above, Carleton discloses and espouses a completely different technique for improving performance and reducing bandwidth in shared application settings. In particular, the reference teaches the use of GDI calls that are sent from the host computer to the collaborating computer. The calls are believed to be executable code that are handled on the side of the collaborating computer. Clearly, one skilled in the art, upon reading Carleton, would not be prompted to employ caching on the side of the collaborating computer, the GDI calls, according to Carleton, being largely sufficient to reduce the bandwidth requirements and improve system performance. In short, the combination is not supported by the reference itself, particularly in view of the entirely different solution it proposes, except by reference to the presently claimed subject matter. Clearly, such reliance on the claims for the motivation or suggestion is improper.

For at least the foregoing reasons, the Examiner has failed to establish a *prima facie* case of obviousness with respect to independent claims 1, 11, 20, and 24, or their dependent claims. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections under 35 U.S.C. § 103 and allow claims 1-29.

Dependent Claims

Again, the Examiner has failed to address the subject matter of the dependent claims. Under 35 U.S.C. § 103, the Examiner must meet the threshold burden of presenting a combination of references, or a modified reference, which teaches *all* of the features of a recited claim. Moreover, as discussed, Applicants stress that the Examiner

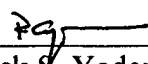
must address the specific elements of each and every claim in the present application. *See* M.P.E.P. § 706. Each dependent claim recites additional features, which are not recited in the independent claims. The Examiner's failure to address these features is legally incorrect and does not meet the Examiner's burden of presenting a *prima facie* case of obviousness. Given that the Examiner has not met his burden, the Applicants believe that the present rejection under 35 U.S.C. § 103 is improper and should be withdrawn.

Conclusion

In view of the amendment to the specification and the foregoing remarks, it is believed that the pending claims are clearly allowable over all of the cited prior art. Accordingly, reconsideration and allowance of all pending claims are requested. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: 2/22/2005



Patrick S. Yoder
Reg. No. 37,479
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545